

Message Text

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ACTION SCI-06

INFO OCT-01 IO-14 ISO-00 ACDA-19 CIAE-00 INR-10 L-03

NSAE-00 NSC-10 RSC-01 FEA-02 EB-11 MC-02 SS-20 PM-07

DODE-00 PA-04 USIA-15 PRS-01 SPC-03 SAM-01 EUR-25

DRC-01 /156 W

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R 311620Z JAN 74

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC 3889

INFO AEC GERMANTOWN

LIMITED OFFICIAL USE SECTION 1 OF 2 IAEA VIENNA 0876

E.O. 11652: N/A

TAGS: PARM, IAEA, US, UK, UR

SUBJ: REPORTING INTERNATIONAL TRANSFERS OF NUCLEAR MATERIAL

REF: STATE 015963

1. MISOFFS DISCUSSED REFTEL INFORMALLY WITH ROMETSCH.
WE BELIEVE CLARIFICATION OF SEVERAL POINTS IS NECESSARY
BEFORE WE APPROACH UK AND SOVIET MISSIONS.

2. WITH REGARD TO EXPORTS, OUR FIRST QUESTION IS
WHETHER ALL SIGNIFICANT EXPORTS OF NUCLEAR MATERIAL
FOR PEACEFUL PURPOSES ARE COVERED BY EXPORT LICENSES.
SPECIFICALLY, ARE EXPORT LICENSES ISSUED TO GOVERNMENT-
OWNED FACILITIES SUCH AS GASEOUS DIFFUSION PLANTS,
WHICH PROBABLY ARE ORIGIN OF THOSE SHIPMENTS REFERRED
TO IN PARA 3 REFTEL? IF NOT, HOW DOES AEC ANTICIPATE
PROVIDING ADVANCE INFORMATION ON THEIR EXPORTS?

3. PARA 2 REFTEL SAYS IAEA QTE WOULD BE ABLE TO CONTACT
US EXPORTER FOR ADDITIONAL DETAILS IF IT CHOSE TO DO
SO UNQTE. IN CASE OF EXPORTING FACILITIES INCLUDED IN
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SUBSIDIARY ARRANGEMENTS (SA) TO US OFFER AGREEMENT,

PROVISIONS FOR SUCH CONTACT COULD PRESUMABLY BE INCLUDED IN SA. BUT, UNDER PROPOSED ARRANGEMENT, IAEA WOULD HAVE RIGHT TO SEEK ADDITIONAL DETAILS ON ANY US EXPORT FOR PEACEFUL PURPOSES, NOT JUST THOSE FROM FACILITIES SELECTED UNDER US OFFER. FURTHERMORE, ARRANGEMENTS IN PROPOSED US-UK-USSR LETTERS TO DG MIGHT WELL COME INTO FORCE BEFORE US OFFER AGREEMENT DOES. WOULD IT BE NECESSARY TO AMEND US REGULATIONS TO REQUIRE ALL NUCLEAR EXPORTERS TO SUPPLY IAEA WITH DETAILED INFORMATION ON ANTICIPATED EXPORTS WHENEVER REQUESTED? WOULD IT BE FEASIBLE TO HAVE IAEA CHANNEL ALL SUCH REQUESTS THROUGH USAEC RATHER THAN GOING DIRECTLY TO EXPORTER? ROMETSCH POINTS OUT THAT STANDARD AGENCY PRACTICE IS TO DEAL WITH GOVERNMENTS, NOT PRIVATE COMPANIES OR OTHER OPERATORS OF FACILITIES. SOME MEMBER STATES, E.G., JAPAN AND ITALY, ARE INSISTENT THAT AGENCY AVOID ANY SUCH DIRECT CONTACT. HE THINKS, HOWEVER, IT COULD BE DONE OTHERWISE IF US IN FACT SO DESIRES, AND MADE NECESSARY ARRANGEMENTS. EVEN IF IAEA DEALT WITH OR THROUGH AEC, WOULD NOT CHANGE IN REGULATIONS STILL BE NECESSARY IN ORDER TO ENABLE AEC TO OBTAIN ADVANCE INFORMATION ON THOSE SPECIFIC EXPORT SHIPMENTS FOR WHICH IAEA REQUESTED INFO?

4. PROPOSED LETTERS TO DG, AS REVISED BY REFTTEL, WOULD REQUIRE THAT COPIES OF EXPORT LICENSES BE FURNISHED TO IAEA NOT LESS THAN 10 DAYS IN ADVANCE OF INITIAL SHIPMENT UNDER EACH LICENSE. IN PRACTICE AGENCY WOULD PRESUMABLY RECEIVE MOST US EXPORT LICENSES WHEN ISSUED, WHICH MIGHT WELL BE WEEKS OR MONTHS IN ADVANCE OF INITIAL SHIPMENT. IF IAEA WISHED ADDITIONAL DETAILS ON PARTICULAR SHIPMENTS, WOULD IT NOT BE DESIRABLE SPECIFY MINIMUM TIME IN ADVANCE OF SHIPMENT FOR REPLIES TO AGENCY? INASMUCH AS PURPOSE OF SUCH REPLIES IS TO GIVE AGENCY ADVANCE INFORMATION, EXPORTERS SURELY OUGHT TO BE REQUIRED TO FURNISH IAEA WITH DETAILS OF INDIVIDUAL SHIPMENTS AT LEAST 10 DAYS IN ADVANCE. IN THAT EVENT, IF IAEA'S REQUESTS AND EXPORTERS' REPLIES ARE TO BE CHanneled THROUGH AEC, AEC MIGHT HAVE TO REQUIRE EXPORTER TO GIVE REPLIES TO IT AT LIMITED OFFICIAL USE

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LEAST 14 OR 20 DAYS IN ADVANCE. AGAIN, WOULD NOT CHANGE IN EXISTING REGULATIONS BE NECESSARY?

5. US IS PRESENTLY VOLUNTARILY SENDING AGENCY COPIES OF USAEC FORM 741 ON CERTAIN INDIVIDUAL EXPORT SHIPMENTS. WE HAD ORIGINALLY THOUGHT THIS WOULD NOT BE NECESSARY ONCE US-UK-USSR LETTERS WENT INTO EFFECT, SINCE AGENCY WOULD HAVE DETAILED ADVANCE INFORMATION ON INDIVIDUAL

EXPORTS AND WOULD NOT NEED AFTER-THE-FACT CONFIRMATION. UNDER PROPOSAL IN REFTEL, HOWEVER, AGENCY MIGHT HAVE ONLY EXPORT LICENSE INFORMATION ON MOST EXPORTS, IN WHICH CASE, ROMETSCH CONFIRMS THAT FORM 741S WOULD BE USEFUL. IN ORDER TO ASSURE UNIFORMITY OF PRACTICE BY ALL THREE NWS, WOULD IT NOT BE DESIRABLE TO INCLUDE IN LETTERS TO DG OFFER BY EACH GOVERNMENT TO PROVIDE DETAILS ON EACH EXPORT SHIPMENT WITHIN 10 TO 14 DAYS AFTER IT TAKES PLACE, IN ADDITION TO INFORMATION ON ANTICIPATED EXPORTS?

6. WITH REFERENCE TO PARA 4 REFTEL, ROMETSCH WOULD IDEALLY HAVE PREFERRED INFORMATION ON US EXPORTS FOR NON-NUCLEAR PURPOSES OF SOURCE MATERIAL "OF A COMPOSITION AND PURITY SUITABLE, ETC." PER PARA 34 OF INFCIRC/153. HOWEVER, HE UNDERSTANDS US PROBLEM AND CAN LIVE WITH PROPOSED EXCLUSION. WE COULD AMEND PROPOSED LETTER ACCORDINGLY.

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INFO OCT-01 IO-14 ISO-00 ACDA-19 CIAE-00 INR-10 L-03

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7. WITH REGARD TO IMPORTS, AGENCY RATIONALE FOR ADVANCE NOTIFICATION WAS CONTAINED IN LOPEZ-MANCHERO'S PAPER OF JULY 27, 1973, ENTITLED "NOTIFICATION OF INTERNATIONAL TRANSFERS." AS WASHINGTON AGENCIES

AWARE FROM THAT PAPER, PRINCIPAL JUSTIFICATION WAS OPPORTUNITY THIS WOULD PROVIDE AGENCY TO AFFIX OR INSPECT SEALS ON SHIPMENTS TO OR FROM ONE OF THE THREE NWS. HOWEVER, UNLESS WE AT LEAST ATTEMPTED TO OBTAIN INCLUSION OF PROVISION FOR ADVANCE NOTICE OF INDIVIDUAL SHIPMENTS, THIS POSSIBILITY WOULD BE PRECLUDED AS FAR AS USSR CONCERNED. WE HAVE NOT YET DISCUSSED THIS POSSIBILITY WITH SOVIETS AND ARE NOT AT ALL SURE THEY WOULD AGREE TO IT IF WE DID. IN VIEW OF UK OBJECTIONS TO AND CHANGE OF MIND BY WASHINGTON ON ADVANCE NOTIFICATION OF IMPORTS, WE WILL AMEND PROPOSED TEXT TO PROVIDE FOR AFTER-THE-FACT NOTIFICATION ONLY. TO KEEP THE RUSSIANS HONEST, WE RECOMMEND THAT THREE GOVERNMENTS OFFER IN THEIR RESPECTIVE LETTERS TO REPORT IMPORTS TO AGENCY WITHIN NOT MORE THAN 14 DAYS AFTER SHIPMENT RECEIVED BY CONSIGNEE.

8. WE EMPHASIZE THAT THIS WOULD ELIMINATE ANY POSSIBILITY OF INSPECTION OF SEALS OR SAMPLING SOVIET IMPORTS, TO LIMITED OFFICIAL USE

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WHICH CONSIDERABLE IMPORTANCE WAS ATTACHED BY STATE 185392, SEPTEMBER 1973. POSSIBILITY WOULD STILL EXIST OF AGENCY ATTACHING SEALS TO SHIPMENTS OF SAFEGUARDED MATERIAL DESTINED FOR US OR UK FACILITIES SELECTED FOR SA UNDER US OR UK OFFER AGREEMENTS, SINCE AGENCY COULD ARRANGE FOR INSPECTOR TO BE PRESENT AT TIME OF ARRIVAL.

9. ACTION REQUESTED. BRITISH HAVE THEIR INSTRUCTIONS AND ARE PRESSING US FOR EARLY MEETING. SOVIETS WILL UNDOUBTEDLY RAISE QUESTION WITH AMBASSADOR TAPE DURING PRE-BOARD CONSULTATIONS. THEREFORE REQUEST COMMENTS ON THIS MESSAGE SOONEST. LABOWITZ

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Message Attributes

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Control Number: n/a
Copy: SINGLE
Draft Date: 31 JAN 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: garlanwa
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
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Disposition Reason:
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Executive Order: N/A
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